



Report Committee of Adjustment

Filing Date: March 1st 2023
Hearing Date: March 28th 2023

File: A-2023-0059

**Owner/
Applicant:** STEWART REID KARLENE AND REID CHARLES / SHIVANG TARIKA

Address: 17 Nightjar Drive

Ward: WARD 6

Contact: Chinoye Sunny, Planner I

Recommendations:

That application A-2023-0059 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision; and
 2. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The applicant is requesting two (2) Minor Variances to permit a below grade entrance and to permit a reduced interior side yard setback to the below grade stairs. The subject property is located within an unassumed subdivision area (43M-2043 21T-10012B PH4 C04W16.005). The developer has confirmed to City staff that they have no concerns regarding the proposal.

Existing Zoning:

The property is zoned 'Residential Single Detached F-9.0 (R1F-9.0-2214)', according to By-law 270-2004, as amended.

Requested Variances:

The applicants are requesting the following variance(s):

1. To permit a below grade entrance in the required interior side yard, whereas the by-law does not permit a below grade entrance in a required interior side yard;
2. To permit a 0.16m (0.52 ft) interior side yard setback to the below grade stairs, whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft).

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Residential' in the Official Plan. This designation allows for a broad range of residential housing types within the City. The property is further designated "Medium Density Residential" in the Mount Pleasant Secondary Plan (Area 51). This designation allows for various dwelling types, including but not limited to, single-detached, townhouses, semi-detached, duplexes, and triplexes. The requested variances are not considered to have significant impacts within the context of the Official Plan policies. Subject to the recommended conditions of approval, the requested variances are considered to maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The property is zoned 'Residential Single Detached F-9.0 (R1F-9.0-2214)', according to By-law 270-2004, as amended.

Variance 1 is requesting to permit a below grade entrance in the required interior side yard, whereas the by-law does not permit a below grade entrance in a required interior side yard. The intent of the by-law in prohibiting below grade entrances in the interior side yard is to ensure that sufficient space is maintained to access the rear yard of the property and there is no adverse impact to drainage along the property line. Variance 2 is requesting to permit a 0.16m (0.52 ft) interior side yard setback to the below grade stairs, whereas the by-law requires a minimum side yard setback of 1.2m (3.94 ft). The intent of the by-law in requiring a minimum setback to any stairs or landing serving an above grade entrance in the interior side yard is to ensure that access to the rear yard can be maintained.

The proposed below grade entrance will be accessed by two risers down and two risers up located along the northeast wall of the dwelling. Although the interior side yard setback is reduced to 0.16m, the proposed risers will provide a continuous path of travel to the rear and front yard. As such, the proposed below grade entrance is not anticipated to limit access to the rear yard. City Staff have also confirmed that the proposed below grade entrance and reduced interior side yard setback will not adversely impact drainage on the subject property and neighbouring property. Therefore, the requested variances are considered to maintain the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The variances requested is to permit a below grade entrance in the required interior side yard and a reduced side yard setback of 0.16m to a below grade entrance. The configuration of the below grade entrance contemplated will be accessed by two risers on both sides of the below grade landing located along the northeast wall of the dwelling. The risers will connect to the front and rear of the

below grade entrance landing, which will continue to maintain access to the rear yard. Staff do not anticipate any negative impacts to drainage and consider the location of the below grade entrance appropriate given the site context. Subject to the recommended conditions of approval, the requested variances are desirable for the appropriate development of the land.

4. Minor in Nature

The variances requested is to permit a below grade entrance in the required interior side yard and a reduced side yard setback of 0.16m to a below grade entrance. Despite the reduction of the side yard setback, the design of the landing with risers on both sides provides a continuous and unobstructed path of travel to and from the rear yard. City Engineering staff have also reviewed the proposed entrance and do not anticipate any adverse impacts to the side yard or drainage on adjacent properties. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,



Chinoye Sunny, Planner I